

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY
PATENT LITIGATION

04-MDL-1592

This document relates to all actions

**JOINT REPORT PURSUANT TO
THE COURT'S ORDER DATED SEPTEMBER 10, 2004**

The parties in the above-captioned multidistrict litigation respectfully submit the following Joint Report in accordance with the Court's Order dated September 10, 2004.

A. Covenant Not to Sue

The parties have conferred further regarding the scope of the Covenant Not to Sue filed by Columbia on September 1, 2004 ("Covenant"). Plaintiffs' inquiries and Columbia's responses regarding the Covenant are memorialized in the correspondence attached hereto as Exhibit A.

B. Status of Plaintiffs' License Agreements

Columbia has informed each plaintiff in writing of Columbia's position regarding the status of its license agreement in light of the Covenant. These letters are attached hereto as Exhibit B.

C. Settlement Discussions Among the Parties

Although there have been settlement discussions between Columbia and some of the plaintiffs, no settlements have been achieved.

Dated: September 20, 2004

Respectfully submitted,

/s/ Donald R. Ware
Donald R. Ware (BBO # 516260)
Claire Laporte (BBO # 554979)
Carla Miriam Levy (BBO # 654212)
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02210-2600
Telephone: (617) 832-1000
Facsimile: (617) 832-7000

Attorneys for BIOGEN IDEC MA INC. AND
GENZYME CORPORATION

/s/ Mark A. Pals
Mark A. Pals, admitted *pro hac vice*
Marcus E. Sernel, admitted *pro hac vice*
KIRKLAND & ELLIS LLP
AON Building
200 East Randolph Drive
Chicago, IL 60601
Telephone: (312) 861-2000
Facsimile: (312) 861-2200

Peter E. Gelhaar (BBO #188310)
Michael S. D'Orsi (BBO #566960)
DONNELLY, CONROY & GELHAAR, LLP
One Beacon Street
Boston, MA 02108
Telephone: (617) 720-2880
Facsimile: (617) 720-3554

Attorneys for ABBOTT BIORESEARCH
CENTER, INC.

/s/ Adrian M. Pruetz
Adrian M. Pruetz, admitted *pro hac vice*
Charles K. Verhoeven, admitted *pro hac vice*
Robert W. Stone, admitted *pro hac vice*
QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Attorneys for GENENTECH, INC.

/s/ Eileen M. Herlihy
Eileen M. Herlihy (BBO #231410)
PALMER & DODGE LLP
111 Huntington Ave. at Prudential Center
Boston, MA 02199-7613
Telephone: (617) 239-0100
Facsimile: (617) 227-4400

Vicki G. Norton.
WILSON, SONSINI, GOODRICH & ROSATI
3611 Valley Centre Drive
San Diego, CA 92130
Telephone: (858) 350-2300
Facsimile: (858) 350-2399

Kirke M. Hasson
PILLSBURY WINTHROP LLP
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880
Telephone: (415) 983-1000
Facsimile: (415) 983-1200

Attorneys for IMMUNEX CORPORATION
AND AMGEN INC.

/s/ Steven A. Zalesin

Steven A. Zalesin, admitted *pro hac vice*
Melissa Mandrgoc, admitted *pro hac vice*
PATTERSON, BELKNAP, WEBB & TYLER LLP
1133 Avenue of the Americas
New York, NY 10036
Telephone: (212) 336-2000
Facsimile: (212) 336-2222

Attorneys for JOHNSON & JOHNSON

/s/ Leora Ben-Ami

Leora Ben-Ami, admitted *pro hac vice*
Patricia A. Carson, admitted *pro hac vice*
KAYE SCHOLER LLP
425 Park Avenue
New York, NY 10022
Telephone: (212) 836-8000
Facsimile: (212) 836-8689

Robert S. Frank, Jr. (BBO #177240)
CHOATE HALL & STEWART
Exchange Place
Boston, MA 02109-2804
Telephone: (617) 248-5000
Facsimile: (617) 248-4000

Attorneys for WYETH AND
GENETICS INSTITUTE LLC

/s/ David I. Gindler

Morgan Chu, admitted *pro hac vice*
David Gindler, admitted *pro hac vice*
IRELL & MANELLA LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067
Telephone: (310) 277-1010
Facsimile: (310) 203-7199

Thomas F. Maffei (BBO # 313220)
GRIESINGER, TIGHE & MAFFEI, LLP
176 Federal Street
Boston, MA 02210-2600
Telephone: (617) 542-9900
Facsimile: (617) 542-0900

/s/ Wayne M. Barsky

Wayne M. Barsky
GIBSON, DUNN & CRUTCHER LLP
2029 Century Park East
Los Angeles, CA 90067-3026
Telephone: (310) 552-8500
Facsimile: (310) 551-8741

Attorneys for THE TRUSTEES OF
COLUMBIA UNIVERSITY IN THE
CITY OF NEW YORK